

Notice of Allowability

Application No.

10/621,776

Examiner

Cheukfan Lee

Applicant(s)

FREDLUND ET AL.

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed April 18, 2006.
2. ☒ The allowed claim(s) is/are 1-13, 29, and 31-43, now renumbered 1-7, 9-13, 8, 14-22, 24-27, and 23, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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1. Claims 1-13 and 29-43 are allowed. Claims 1 and 29 are independent.
2. The terminal disclaimer filed March 13, 2006 has been approved. The purpose of the filing of the terminal disclaimer is to avoid a potential obviousness-type double patenting rejection to claims 29-43. Claims 29-43 correspond to old claims 14-28, which were inadvertently canceled in the amendment filed December 7, 2005, according to Applicant.

Previously, claims 14 and 16-28 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,600,572, in the Office Action mailed October 5, 2005, which may be overcome by filing a terminal disclaimer in compliance with 37 CFR 1.321(c). Instead of filing a terminal disclaimer, claims 14-28 were canceled by mistake on December 7, 2005. These same claims were filed again with new claim numbers 29-43 on December 19, 2005 with the terminal disclaimer. (The terminal disclaimer T.D. filed December 19, 2005 was not approved because the attorney who signed the T.D. was not an attorney of record. The T.D. filed March 13, 2006 was approved.). Claim 30 is canceled, in the amendment filed April 18, 2006.

3. The following is an examiner's statement of reasons for allowance:

Claims 1-13 were allowed in the previous Office Action dated March 28, 2006.

Independent claim 29 has been amended to include the limitation of claim 30, now canceled. Claim 30 was objected to but indicated that it would be allowable if

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rewritten in independent form. The reasons for allowance given in the previous Office Action dated are still valid after the updated search. The reasons are repeated below.

Claim 1 and its dependent claims 2-13, and claims 29 and its dependent claims 31-43 are allowable because a) the limitation of claims 1 and 29, "facilitating the destination of a party by said customer to which said image product or service is to be provided", is not claimed in the claims of Patent No. 6,600,572 and therefore, obviating any double patenting rejection of any type, and b) the prior art of record, including the closest prior art Yamazaki (Japanese Patent Application Publication No 06-311338), cited by Applicant, does not disclose facilitating the destination of a party by the customer to which the image produce or service is to be provided as claimed in claim 1, or providing the product or service to a party designated by one of the customers as claimed in claim 29.

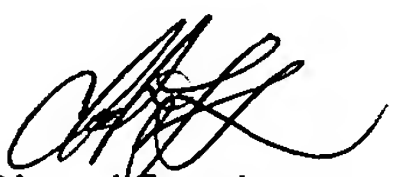
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cheukfan Lee
November 27, 2006